

Considered: _____

WATER PERMIT NO. 5173-3

MAP No. same 886-2577

Name of Applicant CSS Company

Post Office Address 214 3rd St. NW, Watertown SD 57201

Amount of Water Claimed 0.34 cfs Total Acres 24

Source of Water Supply ground water 2 wells

Water to be used for irrigation County Grant

About 5 miles S of Marvin

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Dec. 15, 1987 Fee 150⁰⁰ Remarks _____

Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 1/19/88 APPROVED/CONDITIONAL (Circle one)

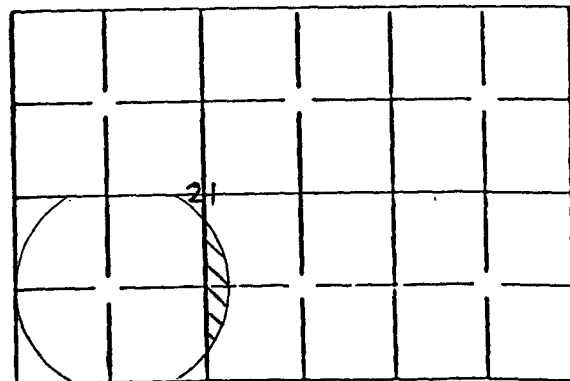
WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point 2 wells: SW 1/4 section 21 -

T120N-R51W

Land to be Irrigated W 1/2 SE 1/4 section 21 - T120N -

R51W



Well Log: Driller Empire Frederickson's Licensed YES ☒ NO _____

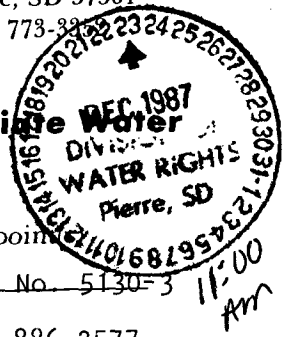
Depth of Well 90 feet REMARKS test hole logs

Type of Map aerial photo PREPARED BY Cathy Dally Reviewed and the Number

assigned on January 15, 1988 By Ron Dwyer

(See instructions)

No. 5173-3 Hydrologic Unit 07020001
Basin Minnesota - Wheelstone
Newspaper Grant Co. Review, Box 390, Milbank
(Mendota)



Application For Soil/Water Compatibility Permit and Permit To Appropriately Use Water

1. Name of Applicant: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☒ Increase diversion rate ☐ Other see Permit No. 5130-3
2. Amount of water claimed (c.f.s.) 34 Total acres irrigated 24
3. Source of Water supply ground water 2 wells
4. Location of point of diversion SW 1/4 section 21-T120N-R51W
- _____ County Grant
5. Counties where water will be used Grant
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 SE 1/4 sec 21-T120N-R51W	<u>12</u>
SW 1/4 SE 1/4 sec 21-T120N-R51W	<u>12</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ (Specify) _____
 9. Crops to be Irrigated: potatoes, corn, heavy beans
 10. Give a description of proposed project. (Attach sheet if more space is needed)

Irrigation Project in Potatoes, Corn, + Beans. Water Source will be
 be wells approximately 60' to 90' deep. Type of irrigation will
 be Center Pivot. Plan to begin irrigating in the Spring of 1988

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of _____)

I, Milton Carter, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed CSS Company, Inc.
Milton H. Carter

Subscribed and sworn to before me this 21st day of December, 1987

Paul J. Henderson
Notary Public

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 5173-3
 to irrigate 24 acres in the NW¼SE¼ (12 acres), SW¼SE¼ (12 acres) section 21 -
(legal description of land)
T120N-R51W From 2 wells (Antelope Valley Aquifer) 90 feet deep to be
located in the SW¼ section 21-T120N-R51W. for
(diversion point, source, depth of well, etc.)

CSS Company 214 3rd St. NW
(Applicant) (Street, RR or Box)
Watertown SD 57201 With the following qualifications.
(City) (State) (Zip Code)

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.

Date of first receipt of application December 15, 1987.

Date Soil/Water Compatibility Permit received January 19, 1988.

Date of return to applicant for correction, amendments or changes required December 17, 1987.

Date of receipt of corrected application Dec. 23, 1987. Approved March 3, 1988.

The Water Management Board approved this Water Permit No. 5173-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is December 15, 1987.
2. One-fifth of the work is to be completed on or before September 3, 1990.
3. The whole of said work is to be completed on or before March 3, 1993.
4. The time limit for proof of beneficial use of water is March 3, 1997.
5. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
6. The amount of the appropriation herein granted shall not exceed 0.34 * cubic feet per second; neither shall it exceed 2 acre feet per acre per year or one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before March 3, 1997. The water is to be used during the following described annual period: Apr 1 - Oct 31

* This permit appropriates an additional 0.34 cfs from 2 wells authorized by Permit No. 5130-3

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

APR 28 1988

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 18" Depth 90'
- b) Casing Type Steel Diameter 14" Thickness .375
- c) Screen Type Stainless Steel Diameter 14" Thickness .20"
- d) Gravel Pack Thickness 2" Length of Gravel Pack 20' + Grouted
- e) Depth to Top of Water Bearing Material 20'
- f) Depth of Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others 1400'

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
 Pipe diameter _____

Spillway width _____

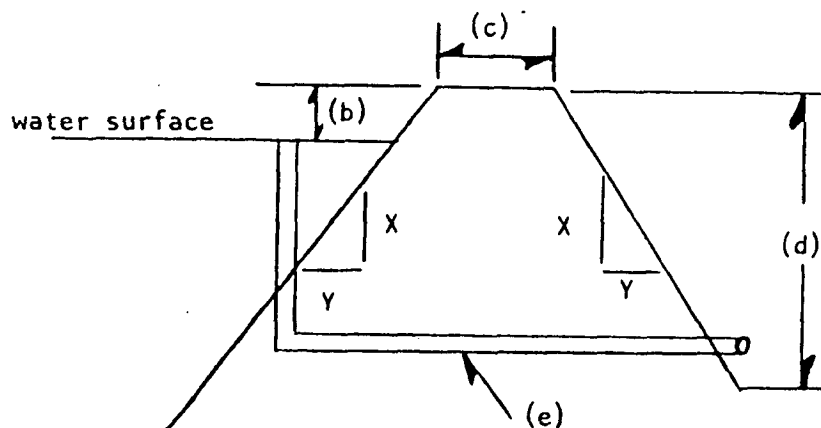
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



CSS Company by
Milton A. Cant
 Signature of Applicant

Drilled for Meyer Ranch by Hutchinson Office _____
Location of property Grant County, Hazen Township, Section 21
Test hole No. 1 Location of test hole 1 Well No. _____
Size of test hole 7-22-78 Date started 7-27-78 Date completed 7-27-78 Total Hours _____

FORMATIONS DRILLED

[illegible]

Signed James Mittendorf _____ Driller

EMPIRE

IRRIGATION DRILLING CO.

FRANKFORT, SOUTH DAKOTA

PHONE 472-0384

#3 AK.
John

DRILLING REPORT

Location of Well: Mazeppa Twp NW-NE 1/4, Section 28, Township 120, Range 51-52

Well to be drilled for: Meyer's Ranch (Name) South Shore (Address)

(County)

(State)

Date well drilling started 5-5-77 finished _____

Purpose of well Gr. Test holes
(domestic, irrigation, industrial, other)

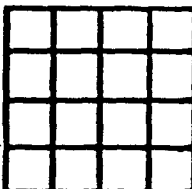
Depth _____ ft. Casing Diameter _____ inches

Slot Size _____ Screen Size _____

Screen Depth: From _____ ft. to _____ ft.

Remarks: _____

NORTH



1 Mile

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From Start of Pumping		Water Level		Discharge
O hr.	O min.	ft.	in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

Formation: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.

Depth (ft.)

From To

①
Top Soil 0 3
gravel 3 42
Clay 42 90
gravel 90 92
Clay 92 100

Formation (Continued)

Depth (ft.)

From To

②
Top Soil 0 2
gravel 2 55
Clay 55 100

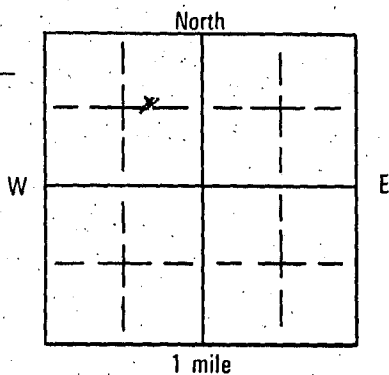
Static 15"

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 1/4 W 1/4 Sec 28 Twp 120N Rg 51WCounty Brant

Please mark well location with an "X"

Well Completion Date 5/26/88

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Direct Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>54.57</u> LB/FT	<u>14</u> IN	<u>42</u> FT	<u>43</u> FT	<u>20</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 24 FEETWhat is grouting material? Portland CementIf cement, number of sacks? ?Describe grouting procedure Formerly grouted this well after they irrigated to see if formation was going to pick up with 7 wells put it.What was grout weight? Before grouting them. LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 14 IN Length 25 FEETMaterial Johnson Stainless Steel Hi-QSlot Size .070 Set From 43 Feet To 68 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information Stainless BottomWas a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain H.T.H. TabletsBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Cascade (West Meyer)Address Watertown, S.D.

Well Log:

Depth

Formation

From

To

<u>TOP SOIL</u>	<u>0</u>	<u>1'</u>
<u>GRAVEL COARSE</u>	<u>1'</u>	<u>30'</u>
<u>SAND + GRAVEL</u>	<u>30</u>	<u>35'</u>
<u>SAND MEDIUM</u> ^{took water} _{precip}	<u>35</u>	<u>68'</u>
<u>SEVERAL BOULDERS FROM</u>	<u>55</u>	<u>68</u>
<u>BLUE CLAY</u>	<u>68</u>	<u>80'</u>

STATIC WATER LEVEL 24' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedTurbine Pump☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface.

<u>37</u> ft.	After <u>20</u> Hrs.	pumped <u>800</u> GPM
_____ ft.	After _____ Hrs.	pumped _____ GPM
_____ ft.	After _____ Hrs.	pumped _____ GPM

REMARKS:

Jetted with air through Jetting tool, before installing test pump.This well was drilled under license # 386

And this report is true and accurate.

Drilling firm

Irrigation Supply Co

Signature of License Representative:

H. E. Kahmke

Signature of Well Owner:

CSS Corp. by R. L. L. Seal

Date

6/1/88

NOT TO SCALE

120-51

NCOP

179-16L

H-7

8.9

T1465

53.3

13.0

13.0

106.1

21

T1466

NCOP

Divergence Point

79.9

120-51

Divergence Point is 17.16' East of 15.18' North of SW Corner of Section 4 of Section 1

Appl. No. 5173-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411100

Pierre, December 16, 1987

RECEIVED OF CSS Company 214 3rd St. NW, Watertown, SD 57201

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5173-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150. 00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____	
(Any Other Work Provided by Law)	
Total	150 00

By John Hatch
Chief Engineer

JOHN HATCH 

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4237

WR#

OWNERS NAME: CSS Company OWNERS ADDRESS: 214 3rd St.

Watertown, SD 57201

COUNTY LAND LOCATED IN: Grant PHONE: 886-2577

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION SW $\frac{1}{4}$ 21-T120N-R51W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$ 21-T120N-R51W</u>	<u>12</u>		
<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$ 21-T120N-R51W</u>	<u>12</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: Potatoes, Corn, Navy Beans

WATER QUALITY:

4. WATER SAMPLE NUMBER: 78-843

7. ADJUSTED (SAR): 9.17

5. SALINITY (EC X 10⁶): 705

8. PERCENT SODIUM: 2366

6. SODIUM (SAR): 1.66

Requirements:

The area mapped as RWD may contain slopes greater than 9%. These areas shall be maintained in permanent vegetation to address potential erosion hazard.



Loch M. Zepf
Director, Division of Conservation

Date 1-14-88

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER
☒ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

March 23, 1987

Randy Spevak
CSS Company
214 NW Third Street
Watertown, South Dakota 57201

Dear Mr. Spevak:

This letter is in response to the permit application received from CSS Company on March 20, 1987. The permit application proposes to reinstate Permit No. 4334-3; however, a permit needs to be reinstated within 3 years after the original construction period expires. The construction period on Permit No. 4334-3 expired November 15, 1983; therefore, this permit could no longer be reinstated as of November 15, 1986. Enclosed is a copy of SDCL 46-2A-8.1 and Water Permit No. 4334-3 for your review.

The permit application can still be submitted; however, the application fee will increase. I also contacted Jim Stukel with the Division of Conservation regarding soil/water compatibility requirements. Mr. Stukel indicated that only the $W\frac{1}{2}SE\frac{1}{4}$ (24 acres) Section 21-T120N-R51W would require a soil/water compatibility permit. This acreage was not included on the soil/water permit for Permit No. 4334-3. Therefore, the application fee for the application with the $W\frac{1}{2}SE\frac{1}{4}$ included is \$375.00. The fee without the $W\frac{1}{2}SE\frac{1}{4}$ included is \$350.00 and soil/water compatibility is not required. Enclosed is your check for \$50.00. Please contact us regarding your intentions for the water permit application.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

CSS COMPANY

"Grower of Top Quality Potatoes"

Warehouse and Office
214 Third Street NW
Watertown, South Dakota 57201

Telephone
(605) 886-2577

March 24, 1987



Ron Duvall
Natural Resources Engineer
Foss Building
523 East Capitol
Pierre, South Dakota

Dear Ron:

Enclosed please find a check for \$325 for the new water permit.
I will also do a new application for the 24 acres in the SE 1/4
of Sec 21 when you send me the forms.

Let me know if you need anything else and thanks.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard R. Spevak".

Richard R. Spevak

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 25, 1987

Randy Spevak
CSS Company
214 NW 3rd St
Watertown SD 57201

Dear Mr. Spevak:

Enclosed are blank permit application forms, a draft application for your review, a soil/water application and a copy of Permit Application No. 5130-3.

Please complete the application for the proposed irrigation of the W 1/2 SE 1/4 Section 21, T120N, R51W for the amount of acreage needed. The attached map may be helpful in determining the correct number of acres. Complete the permit application according to the instruction sheet and return with the map and application fee. Contact us if you have any questions.

Sincerely,



RON DUVALL
Natural Resources Engineer
605 773-3352

RD:ks

enclosures

WATER RIGHTS DIVISION
(605) 773-3352

December 17, 1987

Randy Spevak
CSS Company
214 3rd Street, NW
Watertown, South Dakota 5720

Dear Mr. Spevak:

This letter is in response to the two new water permit applications received on December 15, 1987 to irrigate lands in Codington and Grant Counties. The following information is needed to complete the applications:

I have transferred the information on the submitted application to the correct type of application forms for irrigation. Enclosed are copies of the submitted applications and the correct forms. The portions of the applications not completed (red x's) will need to be completed.

A map will need to be submitted locating the acreage and diversion points in Section 21-T120N-R51W and also be signed as stated on the enclosed instruction sheet.

The applications need to be completed, signed and notarized and then be returned with the completed map. Processing of the applications cannot begin until the applications are complete. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

REPORT ON PERMIT APPLICATION NO. 5173-3
CSS COMPANY
JANUARY 15, 1988

Application No. 5173-3 proposes to appropriate an additional 0.34 cubic feet of water per second (cfs) from 2 wells (Antelope Valley Aquifer) 90 feet deep to irrigate an additional 24 acres. Water Permit No. 5130-3 authorizes an appropriation of 4.57 cfs from 4 wells to irrigate 320 acres. This application is for an additional appropriation from 2 of the 4 wells to be located in the SW 1/4 to irrigate 24 additional acres in the W 1/2 SE 1/4; all in Section 21, T120N, R51W.

Aquifer: Antelope Valley Aquifer

Geology and Aquifer Characteristics

The Antelope Valley Aquifer is a surficial, Pleistocene aged, outwash deposit that is over 60 feet thick in places (Jarrett, 1986). The aquifer underlies approximately 14,500 acres of Grant County and contains an estimated 32,630 acre-feet of recoverable water in storage in the county (Hedges, 1982). The aquifer is under water table conditions and the static water level should be approximately 5 feet below the land surface at the location of the proposed wells. Properly constructed wells in the Antelope Valley Aquifer are capable of yields in excess of 750 gpm.

The Division of Water Rights monitors two observation wells in the Antelope Valley Aquifer within 2 miles of the applicant's proposed well site. Water level measurements taken from the wells show the piezometric surface of the aquifer fluctuates over 5 feet dependent upon increases and decreases of recharge and discharge from the aquifer, but do not show a definite decline of the potentiometric surface of the aquifer.

Average annual recharge to the Antelope Valley Aquifer has not been quantified, but probably occurs through infiltration of precipitation falling directly on the aquifer, runoff unto the aquifer surface, and streamflow losses.

The 1985 Irrigation Report identifies six permits appropriating 5,106.10 ac-ft/yr from the Antelope Valley Aquifer in Grant County. The 1985 pumpage was reported at 49.00 ac-ft (Water Rights Division, 1987).

Review of Existing Permits

These are 8 existing water permits within 2 miles of the applicant's well site, they include:

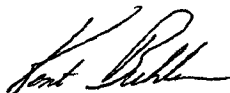
Permit No.	Owner	Location	Diversion Rate (cfs)
2206-3	Lakeview Ranch, Inc.	NW ⁴ 34-T120N-R51W	6.3
2207-3	Makens, Michael/Richard	NE ⁴ 28-T120N-R51W	5.0
3781-3	Weise Bros.	NE ⁴ 2-T119N-R51W	no add'l
2478-3	Weise Bros.	SW ⁴ 35-T120N-R51W	1.8
3782-3	Makens, Michael/Richard	NE ⁴ 28-T120N-R51W	2.2
2333-3	Makens, Michael/Richard	NE ⁴ 34-T120N-R51W	1.93
4334-3	Makens, Michael/Richard	SW ⁴ 21, SE ⁴ 20, NW ⁴ 28-T120N-R51W	6.28
5130-3	CSS Company	SW ⁴ 21-T120N-R51W	4.57

NOTE: Permit No. 2206-3 has been incorporated into Permit No. 2333-3. Permit No. 2207-3 has been incorporated into Permit No. 3782-3.

The Division of Water Rights has record of several domestic wells that obtain water from the Antelope Valley Aquifer in this area.

Conclusions

1. Water is available from the Antelope Valley Aquifer.
2. The Antelope Valley Aquifer is under water table conditions, and this additional appropriation is relatively small (0.34 cfs), therefore, well interference should not be a problem.
3. The wells used to supply this permit must be constructed according to SD Well Construction Standards.



KENT BUHLER
Natural Resources Engineer

Reference

Jarrett, M.J., 1986, Sand and Gravel Resources in Grant County South Dakota, South Dakota Geological Survey, Information Pamphlet No. 36.

Hedges, L.S., S. Burch, D. Iles, R. Barari, R. Schoon, 1982, Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, SD. DWNr, Office of Geological Survey, Vermillion SD.

Division of Water Rights, 1988, "Water Permit, Domestic Well Log and Observation Well Files", Unpublished Records, SD DWNr-Water Rights Division, Joe Foss Building, Pierre SD 57501.

Division of Water Rights, 1986, "1986 Irrigation Report", SD DWNr-Water Rights Division, Joe Foss Building, Pierre SD 57501.

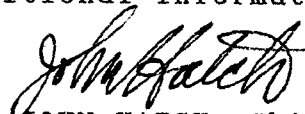
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5173-3, CSS Company

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5173-3, CSS Company, 214 3rd Street NW, Watertown SD

The Chief Engineer is recommending APPROVAL of Application No. 5173-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 21, 1988

Instruction to Newspaper - Publish first publication of the following Notice on or before January 27, 1988 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5173-3 to Appropriate Water
and/or to Amend Water Permit or Water Right No.

Notice is hereby given that CSS Company whose mailing address is
214 3rd St. NW, Watertown, South Dakota has made an application for a permit

to appropriate an additional 0.34 cubic feet of water per second (cfs) from 2 wells (Antelope Valley Aquifer) 90 feet deep to irrigate an additional 24 acres. Water Permit No. 5130-3 authorizes an appropriation of 4.57 cfs from 4 wells to irrigate 320 acres. This application is for an additional appropriation from 2 of the 4 wells to be located in the SW₄ to irrigate 24 additional acres in the W₄SE₄; all in Section 21-T120N-R51W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 5173-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2 1988 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) ~~46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWN R, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 19, 1988.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Grant) ss.

I, Clarence Justice hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Grant County Review

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Milbank

County of Grant and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

January 27, 1988

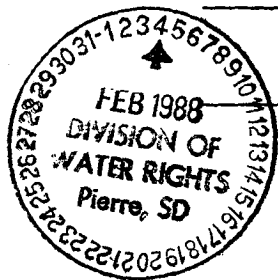
February 3, 1988

Clarence Justice
(Signature)

Forman
(Title)

February 3, 1988

(Date Signed)



Cost of Printing: \$43.39

NOTICE OF HEARING ON
APPLICATION NO. 5173-3 TO
APPROPRIATE WATER

Notice is hereby given that CSS Company whose mailing address is 214 3rd St. NW, Watertown, South Dakota, has made an application for a permit to appropriate an additional 0.34 cubic feet of water per second (cfs) from 2 wells (Antelope Valley Aquifer) 90 feet

deep to irrigate an additional 24 acres. Water Permit No. 5130-3 authorizes an appropriation of 4.57 cfs from 4 wells to irrigate 320 acres. This application is for an additional appropriation from 2 of the 4 wells to be located in the SW 1/4 to irrigate 24 additional acres in the W 1/2 SE 1/4; all in Section 21-T120N-R51W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 5173-3 because 1) unappropriated water is available 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2, 1988, at 10 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 through 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 through 46-5-11, 46-5-13 through 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 through 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg., Pierre SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 19, 1988.

Jan. 27

Feb. 3



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

APR 28 1988

CSS Company
214 3rd Street NW
Watertown, South Dakota 57201

Dear Sir:

Enclosed herewith is your Water Permit No. 5173-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5173-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: MS

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

3782-3

5130-3

5173-3

September 9, 1988

Jim Endres
Dakota Home & Land
118 S Maple
Watertown, SD 57201

Dear Mr. Endres:

In response to our telephone conversation, I reviewed our files and found three permits which cover the legal descriptions you inquired about. Water Right No. 3782-3, listed in the names of Richard and Michael Makens, and Permit Nos. 5130-3 and 5173-3 listed in the name of CSS Company (copies enclosed).

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 3782-3, and Water Permit Nos. 5130-3 and 5173-3. The forms should be completed, and signed in the presence of a notary, by the new owner. Upon completion of the forms, please return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The water right and water permits will then be transferred to the proper name.

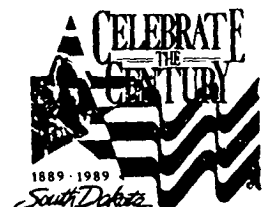
South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NOTICE OF TRANSFER OF WATER RIGHTS PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 21, 1988

This is to notify you that the title to the lands described as follows:
W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21, T120N, R51W

formerly owned by CSS Company

has been transferred to Robert L. Carr, Hwy. 59 North, Marshall, MN 56258
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 5173-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

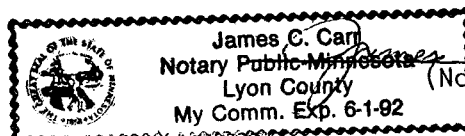
STATE OF SOUTH DAKOTA)
County of _____) ss.

STATE OF MINNESOTA)
County of Lyon) ss.

I, Robert L. Carr being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Robert L. Carr
(Signed)

Subscribed and sworn to before me this 21 Day of September, 1988.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411426

Pierre, September 23, 1988

RECEIVED OF Robert L. Carr, Hwy 59, North, Marshall, MN 56258

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Permit No. 5173-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

John Hatch

Chief Engineer

JOHN HATCH 



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

September 26, 1988

Robert L. Carr
Hwy 59 North
Marshall, Minnesota 56258

Dear Mr. Carr:

Enclosed are receipt Nos. 411424, 411425, and 411426 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 5130-3, 3782-3 and 5173-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 3



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 12/5/88

TO: Water Rights Division, DWR
Joe Foss Building
Pierre SD 57501-3181

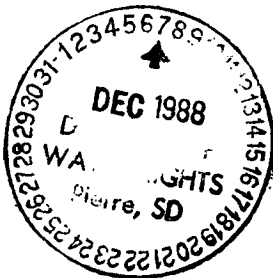
FROM: CSS Company RR3 Box 138 B Watkins
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5173-3.

Water Permit No. 5173-3 states that the diversion system is to be constructed by 3/31/93, and that the water it put to beneficial use by 3/31/1997.

The diversion system was completed on 6/11/1988.
Applying the water to beneficial use was completed on 6/11/1988.

You may schedule an inspection so that the Water License may be issued.



CSS Company by Linda Spel
signature

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

#3782-3

#5130-3

#5173-3

February 17, 1989

Robert L. Carr
Hwy 59 No.
Marshall, MN 56258

Dear Mr. Carr:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

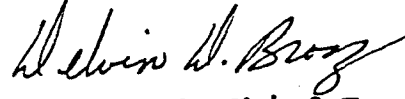


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 23, 1989

5130-3
3782-3
5173-3

Randy Spevak
CSS Company
RR #3 Box 138B
Watertown, SD 57201

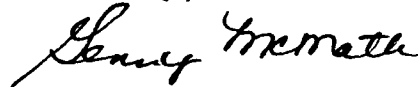
Dear Mr. Spevak:

I am contacting you in regard to the 1989 irrigation questionnaires for Robert Carr, Marshall, MN. Mr. Carr has contacted our office and requested we send the questionnaires directly to you since you are operating the irrigation systems.

Enclosed are three 1989 irrigation questionnaires pertaining to Mr. Carr's water permits. I have included a postage paid envelope for use in returning the forms to our office. The questionnaires must be returned to our office before December 15, 1989.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures

cc: Robert Carr, Hwy 59 N, Marshall, MN 56258



N 1144 12

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 1/31/1990TO: Water Rights Division, DWNH
Joe Foss Building
Pierre SD 57501-3181FROM: CSS Company
nameRR3 Box 138 B
addressWatertown
city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5173-3.

Water Permit No. 5173-3 states that the diversion system is to be constructed by 3/31/1993, and that the water it put to beneficial use by 3/31/1997.

The diversion system was completed on 5/15/1989.
Applying the water to beneficial use was completed on 6/15/1988.

You may schedule an inspection so that the Water License may be issued.

Bill R. Spe
signature



Permit No. 5130-3 & 5173-3Minnesota/Whetstone Creek Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Robert L. Carr of Marshall, MN holder of Permit No. 5130-3 & 5173-3, bearing the priority of 3/20/1987 & 12/15/1987 authorizing the diversion of 4.57 & 0.34 cu. ft. per second of the waters of ground water for irrigation purposes, in Grant County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A Fairbanks Morse 12" pump with a 1100 gpm capacity and a Fairbanks Morse pump with an 800 gpm capacity.

B. Works used to transport water to place of use:

200 feet of 8 inch alluminum pipe and 100 feet of 8" steel pipe.

C. Works used to apply water to beneficial use:

A 1280' Valley center pivot and a 1440' Valley center pivot with corner system.

The system is in the following condition good. The point of diversion is located Well #1, from the SW corner of Section 21-T120N-R51W, 1320'N 1320'E, Well #2, from the NW corner of Section 28-T120N-R51W 1300'S 1500'E. The works are capable of diverting and conveying to the place of use 4.22 cu. ft. per second of water which is to be used for irrigation.

Water has been put to beneficial use to the maximum extent as follows:

3/3/1987 priority:Section 21-T120N-R51WSection 28-T120N-R51W

NW1/4 SW1/4 - 36 ac NE1/4 SW1/4 - 38 ac NW1/4 NW1/4 - 34 ac NE1/4 NW1/4 - 34 ac

SW1/4 SW1/4 - 36 ac SE1/4 SW1/4 - 38 ac SW1/4 NW1/4 - 34 ac SE1/4 NW1/4 - 34 ac

12/15/1987 priority:

NW1/4 SE1/4 - 9 ac SW1/4 SE1/4 - 9 ac in Section 21-T120N-R51W

comprising a total of 302 acres of land and the license should be issued for 4.22 cfs.

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 7/16/1991



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 5130-3

1. Legal location of wells: North center pivot: From the SW corner of Section

21-T120N-R51W, 1320' N 1320' E

Dams and Structures

2. Well Information: Well Drilling Firm IRRIGATION SUPPLY ^{MDL}
Kaizer Well Drilling ^{3/8/93}

Completion Report? Yes ☒ No ☒ No. of Wells 1 Depth(s) 65 feet

Casing a) diameter 14 inches Screen a) type SS

b) length 43 feet b) length 25 feet

c) type STEEL Static Water Level 24' feet

Pump a) make Fairbanks Morse

Motor a) make GE

b) model

b) model no. 5K6258XH1A

c) size 12"

c) horsepower rating 75

d) capacity 1100 GPM

d) serial no.

e) turbine pump - no. of stages

f) operating PSI 50

3. Distribution lines or canals

a) size 8 inches

b) type ALUMINUM

c) length 100 feet

5. System Type

c)gun:

d) center pivot:

1) make

1) make VALLEY CORNER SYSTEM

2) nozzle size

2) number of towers 9

3) capacity (GPM)

3) distance between towers

4) hose size inches

4) overall length 1440feet

5) hose length feet

5) end gun (Y/N) Y

- e) gated pipe: 6) high or low pressure HIGH
- 1) length feet 7) make and size of nozzles:
- 2) diameter inches RAINBIRD, NELSON
- 3) spacing of gates inches 8) capacity (GPM) 1100

1. Legal location of wells: South center pivot: From the NW corner of Section 28-T120N-R51W, 1300' S 1500' E

2. Well Information: Well Drilling Firm Irrigation Supply Co.

Completion Report? Yes ☒ No No. of Wells 1 Depth(s) 68 feet

Casing a) diameter 14 inches Screen a) type STAINLESS STEEL

b) length 43 feet b) length 25 feet

c) type STEEL Static Water Level 24 feet

Pump a) make FAIRBANKS MORSE Motor a) make US ELECTRICAL

b) model b) model no. 326TP

c) size 12" c) horsepower rating 50

d) capacity 800 GPM d) serial no.

e) turbine pump - no. of stages

f) operating PSI 45

3. Distribution lines or canals

a) size 8 inches

b) type STEEL

c) length 200 feet

5. System Type

c)gun:

- 1) make
- 2) nozzle size
- 3) capacity (GPM)
- 4) hose size inches
- 5) hose length feet

e) gated pipe:

- 1) length feet
- 2) diameter inches
- 3) spacing of gates inches

d) center pivot:

- 1) make VALLEY
- 2) number of towers 7
- 3) distance between towers
- 4) overall length 1280feet
- 5) end gun (Y/N) Y
- 6) high or low pressure HIGH
- 7) make and size of nozzles:
RAINBIRD, NELSON
- 8) capacity (GPM) 800

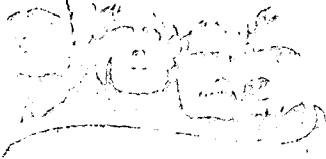
NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project 5173-3

Yes	No	Check Items
<u>Y</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>Y</u>		2. Special qualifications to permit being abided by?
<u>Y</u>		3. All structures, wells and lands on map?
<u>Y</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>Y</u>		5. Is chemigation used?
<u>Y</u>		6. If yes, does equipment comply with chemigation rules?

REMARKS:

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

September 17, 1991

LTP Enterprises Inc.
Leonard T Pulkrabek
Box 9035
Fargo, SD 58106

Dear Mr. Pukrabek:

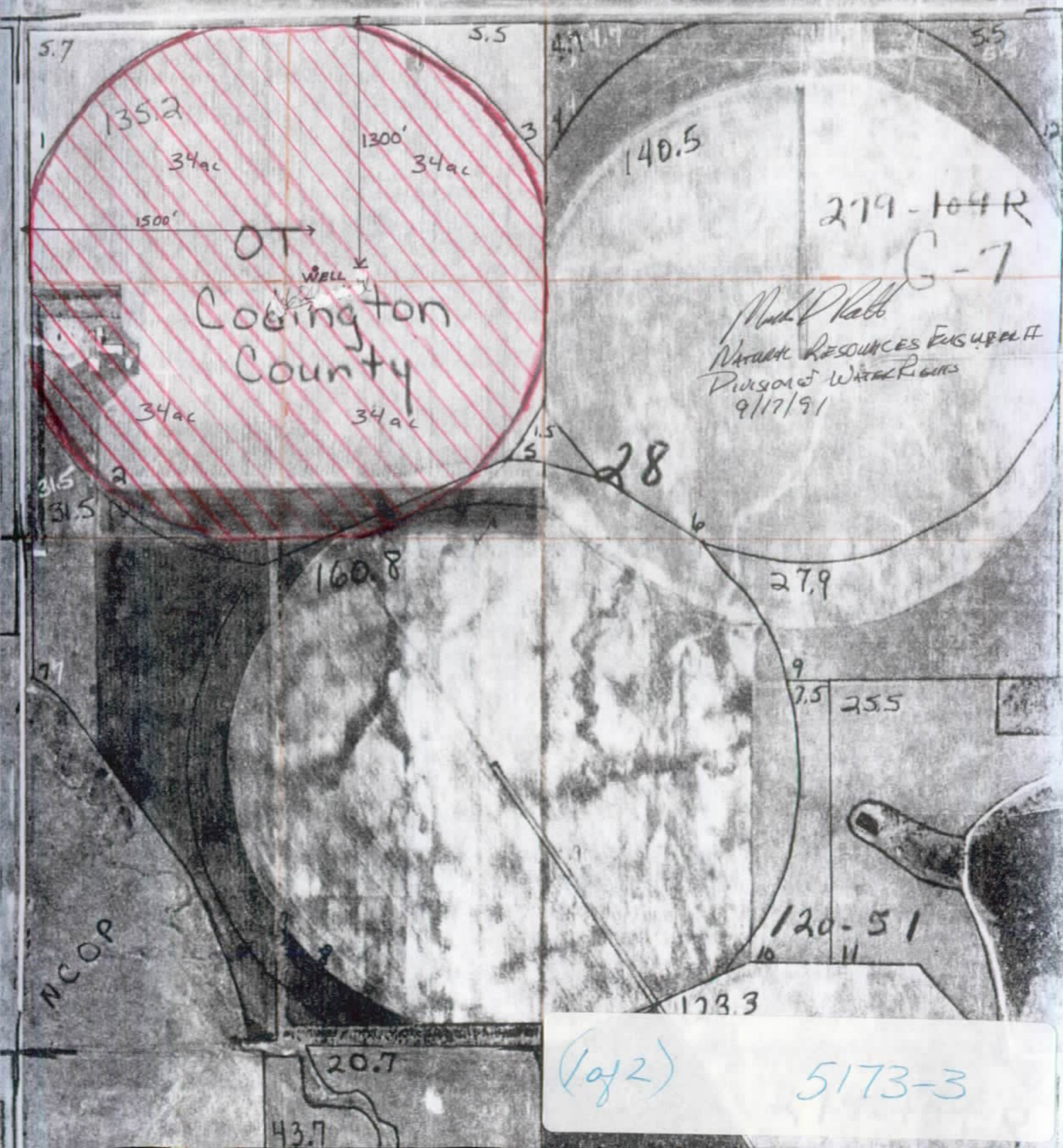
Our records indicate that you may have drilled an irrigation well for Robert L. Carr. The well is located in SW1/4 of Section 21-T120N-R51W in Grant County, I have not been able to find the as complete well log for this production well. I would appreciate it if you would check your files for the well log and then send any information you have concerning this to me.

If you need any additional information, feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
(605) 773-3352

NOT TO SCALE



(1 of 2)

5173-3

NOT TO SCALE

120-51

NCOP

179-16L

H-7

8.9

53.3

13.0

12752

106.1

11.8

3691

389c

99c

~~1320'~~

12755

8.0

2

20.7

259

~~59.2~~

364c

1320^c

38c

94

120-51

2

M. D. K. H.
 Natural Resource Engineer II
 Division of Water Rights
 9/17/91

11.8

4

(2 of 2)

5173-3



From...

RANDY J. PULKRABEK

P.O. BOX 9035

Fargo, ND 58106

Phone: 701-232-8928

Toll Free: 1-800-347-0090

FAX: 701-232-8264

Mark,

We didn't drill the
well for Robert L. Carr or
the one in Sec. 8 for
Brookings Dwell. If you need
anything else please call.



Sincerely,
Randy Pulkrabek, Vice Pres.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

GREAT FACES. GREAT PLACES.

October 25, 1991

Kaiser Well Drilling
Ronald G. Kaiser
405 8th St SE
Watertown, SD 57201

Dear Mr. Kaiser

Our records indicate that you may have drilled an irrigation well for Robert L. Carr or CSS Company of Watertown. The well is located in SW1/4 of Section 21-T120N-R51W in Grant County, I have not been able to find the as complete well log for this production well. I would appreciate it if you would check your files for the well log and then send any information you have concerning this to me.

If you need any additional information, feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer II
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 17, 1992

Permit No. 5173-3

Robert L. Carr
Hwy. 59 North
Marshall, MN 56258

Dear Mr. Carr:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 5130-3 and 5173-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5130-3 will be incorporated into 5173-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413269

Pierre, June 29, 1992

RECEIVED OF Robert Carr, 506 Washington Avenue, Marshall, MN 56258

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 5173-3	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5173-3

(1) CSS Company of 214 3rd St. NW, Watertown, SD 57201 made Application No. 5173-3, December 15, 1987 for a water permit to appropriate 0.34 cubic feet of water per second from groundwater (two existing wells), Grant County, South Dakota for irrigation purposes. Permit No. 5173-3 with a priority date of December 15, 1987 was approved March 3, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 3, 1993 and for the application to beneficial use of said water on or before March 3, 1997.

Water Permit No. 5173-3 authorized an additional 24 acres and a diversion rate of 0.34 cfs from two existing wells authorized under Water Permit No. 5130-3. A priority date of December 15, 1987 was retained for the additional acres and diversion rate.

On September 23, 1988, Water Permit Nos. 5130-3 and 5173-3 were transferred from CSS Company to Robert L. Carr, Marshall, MN.

The applicable portions of Water Permit No. 5130-3 have been incorporated into this Water License No. 5173-3. Priority dates, as they pertain to the acres irrigated, are described in (3) of this license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.22 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1320'N and 1320'E of the SW corner of Section 21, and Well #2 - 1300'S and 1500'E of the NW corner, Section 28, all in T120N, R51W.

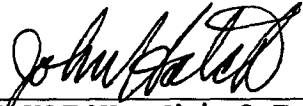
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T120N, R51W Section 21	NW 1/4 SW 1/4	36 Acres
	SW 1/4 SW 1/4	36 Acres
	NE 1/4 SW 1/4	38 Acres
	SE 1/4 SW 1/4	38 Acres
	*NW 1/4 SE 1/4	9 Acres
	*SW 1/4 SE 1/4	9 Acres
Section 28	NW 1/4 NW 1/4	34 Acres
	SW 1/4 NW 1/4	34 Acres
	NE 1/4 NW 1/4	34 Acres
	SE 1/4 NW 1/4	34 Acres
	Total-----	302 Acres

* W 1/2 SE 1/4 Section 21 carries a priority date of December 15, 1987, as established under No. 5173-3.

Remaining land (SW 1/4 Section 21, and NW 1/4 Section 28) carries a priority date of March 3, 1987, as established under No. 5130-3.

(4) Pursuant to Section 46-5-30.1 Robert L. Carr of 506 Washington Ave., Marshall, MN 56258 the holder(s) and/or owner(s) of Incorporated Water Permit No. 5173-3 is issued a license to appropriate water, the right to use 4.22 cubic feet of water per second from groundwater (two wells) with priority dates of March 3, 1987 and December 15, 1987 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5173-3 and subject to South Dakota State Law.

 AUG 6 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181
5173-3

AUG 6 1992

Robert L. Carr
506 Washington Ave.
Marshall, MN 56258

Dear Mr. Carr:

Enclosed is Water License No. 5173-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413269 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5173-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures

NOTE: The applicable portions of Water Permit No. 5130-3 have been incorporated into this Water License No. 5173-3.



5173-3

February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181**NOTICE****TO:** CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to chapter 1-26. According to SDCL 46-1-12, the board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 12, 1997

Milt Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, **Notices of Violation**.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 13, 2008

3782-3
5173-3
5586-3

Steve Schaefer
41545 285th St
Hancock MN 56244

Dear Mr. Schaefer:

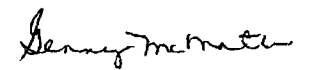
I am writing in follow-up to your phone conversation with Jim Goodman with our program. Jim requested that I send you transfer forms for filing ownership changes for water rights held by Robert Carr.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes on Water Right Nos. 3782-3, 5173-3 and 5586-3. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

Currently, the annual irrigation questionnaires are directed to Greg Endres in Watertown. If you wish a change to be made with respect to the irrigation questionnaire mailing, please let me know.

If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIVED

FEB 25 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5173-3

Date: 2-21-08

I/We request that Water Right No. 5173-3

formerly owned by: Robert L Carr

be transferred to: (name & address) THE SW 1/4 & W 1/2 SE 1/4 SEC 21 TO STEVE & PAM
SCHAEFER AT 383 PEARL AVE, HANCOCK, MN. 56244. THE NW 1/4 SEC 28 TO
WILLOW RUN FARMS FLP 41545 285TH ST Telephone No. (320) 392-5299
HANCOCK, MN. 56244

Title to the following described land(s)/property has been transferred as described above:

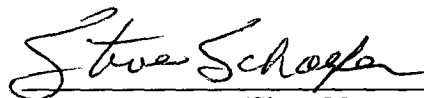
302 acres - SW 1/4, W 1/2 SE 1/4 Section 21 and NW 1/4 Section 28, T120N, R51W

I/We understand that the validity of Water Right No. 5173-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We STEVE & PAM SCHAEFER, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

ATTACHMENT TO WATER RIGHT NO. 5173-3

Water Right No. 5173-3 authorizes diversion of 4.22 cfs from two wells located in the SW $\frac{1}{4}$ Section 21 and NW $\frac{1}{4}$ Section 28, T120N, R51W to irrigate 302 acres in portions of Section 21 and 28, all in T120N, R51W.

On February 25, 2008, an ownership change was filed with the water right transferring and dividing the water right.

The water right is being divided and reissued to reflect separate ownership as follows:

- **No. 5173A-3: Steve & Pam Schaefer, 383 Pearl Ave., Hancock MN 56244** – authorizing diversion of 2.44 cfs (1100 gallons per minute) from the well in Section 21 to irrigate 166 acres in the SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21, all in T120N, R51W.

Priority dates of March 3 (SW $\frac{1}{4}$) and December 15, 1987 (W $\frac{1}{2}$ SE $\frac{1}{4}$) are retained.

- **No. 5173B-3: Willow Run Farms FLP, 41545 285th St., Hancock MN 56244** – authorizing diversion of 1.78 cfs (800 gallons per minute) from the well in Section 28 to irrigate 136 acres in the NW $\frac{1}{4}$ Section 28, all in T120N, R51W. A priority date of March 3, 1987 is retained.